

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFF**ANTHONY TORRES**County of Residence of First Listed Plaintiff Clark County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

CLARK LAW GROUP, PLLC, C. Jared Clark, NV Bar No. 13672,
6655 W. Sahara Avenue, Suite A212, Las Vegas, NV 89146
Phone: 702-330-3272, Fax: (702) 447-5323

DEFENDANTS**GUSTAVO CONCHAS, individually; THE FISHEL COMPANY, an Ohio Foreign Corporation;**County of Residence of First Listed Defendant Yuma County, AZ

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) H1 LAW GROUP, Joel Z. Schwarz, NV Bar No. 9181,
701 N. Green Valley Parkway, Suite 200, Henderson, NV 89074
Phone: 702-608-3720, Fax: 702-703-1063

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1332(a), 1441(b) and 1446

Brief description of cause: Plaintiff Torres's complaint states that while riding his bicycle he was struck by a vehicle being driven by Defendant Fishel Company employee and co-defendant Conchas.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE 

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

January 8, 2021

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

H1 LAW GROUP
701 N. Green Valley Parkway, Suite 200
Henderson, Nevada 89074
Tel: 702-608-3720

H1 LAW GROUP

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Henderson, NV 89074
Phone 702-608-3720
Fax 702-703-1063

Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ANTHONY TORRES,

Plaintiff,

vs.

GUSTAVO CONCHAS, individually; THE
FISHEL COMPANY, an Ohio Foreign
Corporation; DOES 1 through 20, inclusive;
and ROE BUSINESS ENTITIES 1 through 20,
inclusive,

Defendants.

CASE NO.: 2:21-cv-00046

**DEFENDANTS THE FISHEL COMPANY
AND GUSTAVO CONCHAS'
NOTICE OF REMOVAL**

Defendants The Fishel Company ("Fishel") and Gustavo Conchas ("Conchas" and, together, "Defendants"), by and through their undersigned counsel, hereby remove the above-captioned case to the United States District Court for the District of Nevada. The grounds for removal are as follows:

1. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441(b) and 1446 for removal of the case titled *Anthony Torres v. Gustavo Conchas and The Fishel Company*, Case No. A-20-825393-C, now pending in the Eighth Judicial District Court, Clark County, Nevada.

2. On November 24, 2020, Plaintiff commenced this action in the Eighth Judicial District Court, Clark County, Nevada, as Case No. A-20-825393-C.

3. On December 21, 2020, Defendant Fishel's registered agent in Nevada was served with the Summons and Complaint, copies of which are attached hereto as **Exhibit A**.

4. On December 23, 2020, Defendant Conchas was served with the Summons and Complaint at his residence in Yuma, Arizona, copies of which are attached hereto as **Exhibit B**.

CERTIFICATE OF SERVICE

The undersigned, an employee of H1 Law Group, hereby certifies that on the 8th day of January 2021, she electronically filed and served the foregoing NOTICE OF REMOVAL with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system.



Karen M. Morrow, an employee of H1 LAW GROUP

H1 LAW GROUP
701 N. Green Valley Parkway, Suite 200
Henderson, Nevada 89074
Tel: 702-608-3720



EXHIBIT A

Summons and Complaint
Served Upon Defendant
The Fishel Company



**Service of Process
Transmittal**

12/21/2020

CT Log Number 538777140

TO: Kathy Blackstone, Tax Manager
The Fishel Company
1366 Dublin Rd
Columbus, OH 43215-1093

RE: Process Served in Nevada

FOR: The Fishel Company (Domestic State: OH)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Anthony Torres, Pltf. vs. Gustavo Conchas, etc., et al., Dfts. // To: The Fishel Company

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # A20825353C

ON WHOM PROCESS WAS SERVED: C T Corporation System, Carson City, NV

DATE AND HOUR OF SERVICE: By Process Server on 12/21/2020 at 01:27

JURISDICTION SERVED : Nevada

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780134363806

REGISTERED AGENT ADDRESS: C T Corporation System
701 S. Carson Street
Suite 200
Carson City, NV 89701
866-539-8692
CorporationTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

Electronically Issued
11/24/2020 4:09 PM

SUMM

C. JARED CLARK, ESQ.

Nevada Bar No.: 13672

CLARK LAW GROUP, PLLC

6655 W. Sahara Ave., Ste. A212

Las Vegas, NV 89146

Phone: (702) 330-3272

Fax: (702) 447-5323

E-mail: jared@ciclawgroup.com

Attorneys for Plaintiff

CASE NO: A-20-825393-C
Department 4

DISTRICT COURT

CLARK COUNTY, NEVADA

ANTHONY TORRES,

Plaintiff,

vs.

Case No.

Dept No.

SUMMONS

**GUSTAVO CONCHAS, individually; THE
FISHEL COMPANY, an Ohio Foreign
Corporation; DOES 1 through 20, inclusive; and
ROE BUSINESS ENTITIES 1 through 20,
inclusive,**

Defendants.

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS. READ
THE INFORMATION BELOW.**

TO THE DEFENDANT. A Civil Complaint has been filed by the plaintiff(s) against you for
the relief set forth in the Complaint.

**CT CORPORATION SYSTEM
RESIDENT AGENT FOR THE FISHEL COMPANY
701 S. Carson Street #200
Carson City, NV 89701**

1. If you intend to defend this lawsuit, within 21 days after this Summons is served on you
exclusive of the date of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal
written response to the Complaint in accordance with the rules of the Court.

1 b. Serve a copy of your response upon the attorney whose name and address is
2 shown below.

3 2. Unless you respond, your default will be entered upon application of the plaintiff(s)
4 and this Court may enter a judgment against you for the relief demanded in the Complaint,
5 which could result in the taking of money or property or other relief requested in the
6 Complaint

7 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly
8 so that your response may be filed on time. STEVEN D. GRIERSON
9 CLERK OF COURT

11/24/2020

By: Laurie Williams
Deputy Clerk Laurie Williams

10 Issued at the direction of:

11 CLARK LAW GROUP, PLLC

12 /s/ Jared Clark Esq.

13 C. JARED CLARK, ESQ.

14 6655 W. Sahara Ave., Ste. A212

15 Las Vegas, NV 89146

16 Phone: (702) 330-3272

17 Fax: (702) 447-5323

18 E-mail: jared@cjclarklawgroup.com

19 Attorneys for Plaintiff

Electronically Filed
11/24/2020 4:08 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMP**
2 **C. JARED CLARK, ESQ.**
3 Nevada Bar No.: 13672
4 **CLARK LAW GROUP, PLLC**
5 6655 W. Sahara Ave., Ste. A212
6 Las Vegas, NV 89146
7 Phone: (702) 330-3272
8 Fax: (702) 447-5323
9 E-mail: jared@cjclarklawgroup.com
10 *Attorneys for Plaintiff*

CASE NO: A-20-825393-C
Department 4

DISTRICT COURT
CLARK COUNTY, NEVADA

9 **ANTHONY TORRES,**
10 **Plaintiff,**

Case No.
Dept No.

11 vs.

COMPLAINT

12
13 **GUSTAVO CONCHAS, individually; THE**
14 **FISHEL COMPANY, an Ohio Foreign**
15 **Corporation; DOES 1 through 20, inclusive; and**
16 **ROE BUSINESS ENTITIES 1 through 20,**
17 **inclusive,**
18 **Defendants.**

19 COMES NOW the Plaintiff ANTHONY TORRES, by and through his counsel, C. JARED
20 CLARK, ESQ. of the law firm of CLARK LAW GROUP, PLLC, and for his causes of action against
21 the Defendants, and each of them, alleges as follows:

PARTIES AND JURISDICTION

22
23 1. At all times relevant hereto, Plaintiff ANTHONY TORRES, (hereinafter "TORRES"),
24 was an individual residing in the County of Clark, State of Nevada.

25 2. At all times relevant hereto, and upon information and belief, Defendant GUSTAVO
26 CONCHAS (hereinafter "CONCHAS") was, and still is, an individual residing in the County of
27 Yuma, State of Arizona.
28

1 operated his vehicle, violated Nevada and local statutes, traffic laws, and safety rules pertaining to
2 the safe operation of motor vehicles, which caused the collision involving Plaintiff, including his
3 injuries and damaged complained of herein.

4 14. The acts and omissions on the part of Defendants CONCHAS, DOES 1 through 20, and
5 ROE BUSINESS ENTITIES 1 through 20, and each of them, as set forth herein, were in direct violation
6 of Nevada Statutes and/or Clark County ordinances, including, but not limited to, NRS 484.324.

7 15. At all times herein mentioned, said Nevada Statutes and/or Clark County traffic
8 ordinances and safety rules were designed and enacted to protect a class of persons, in particular
9 bicyclists, to which Plaintiff belongs.

10 16. Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1
11 through 20, and each of them, are therefore negligent per se herein.

12 17. The injuries suffered by Plaintiff TORRES as a direct and proximate result of the
13 collision was and is the type that the statute was intended to protect against.

14 18. As a direct and proximate result of the aforesaid negligence and carelessness of
15 Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1 through 20, and
16 each of them, Plaintiff TORRES was injured in health, strength, and activities, and sustained shock
17 and injury to his body, nervous system and person, all of which have caused, and will continue to
18 cause him physical, mental and nervous pain and suffering, disability and loss of enjoyment of life.

19 19. As a direct and proximate result of the negligence and carelessness on the part of
20 Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1 through 20, and
21 each of them, Plaintiff sustained general and special damages to include medical expenses, possible
22 future medical expenses, loss of wages, possible future losses of wages, and loss of earning capacity
23 all in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

24 20. As a further direct and proximate result of the aforesaid negligence and carelessness
25 on the part of Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1
26 through 20, and each of them, it has been necessary for Plaintiff to retain the law firm of CLARK
27 LAW GROUP, PLLC, to prosecute this action, and Plaintiff is therefore entitled to recover reasonable
28

1 attorney's fees and costs.

2 **SECOND CAUSE OF ACTION**

3 **(Negligence; Respondeat Superior as to THE FISHEL COMPANY, DOES 1 through 20,**
4 **and ROE BUSINESS ENTITIES 1 through 20)**

5 21. Plaintiff repleads and realleges each and every allegation of the preceding paragraphs
6 as though set forth fully hereunder.

7 22. Plaintiff is informed and believes that at the time of the subject accident, FISHEL was
8 the employer and/or had control of its agent CONCHAS.

9 23. CONCHAS was acting within the course and scope of his duties for FISHEL and on
10 behalf of FISHEL at the time of the subject collision with TORRES.

11 24. Under the doctrine of Respondeat Superior, Defendant FISHEL is vicariously liable,
12 jointly and severally for the damages suffered by Plaintiff as a direct and proximate result of its
13 employees and/or agents' negligence while driving in the course and scope of his employment.

14 25. FISHEL through its employees and/or agents, owed a duty to Plaintiff to drive safely
15 and to avoid dangerous and/or reckless conduct.

16 26. FISHEL by and through its employees and/or agents, breached its duties of due care
17 by negligently, carelessly and recklessly failing to drive in a save manner which caused damages to
18 Plaintiff.

19 27. As a direct and proximate consequence of FISHEL's negligence, careless and reckless
20 breach of duty, Plaintiff sustained general and special damages to include medical expenses, possible
21 future medical expenses, loss of wages, possible future losses of wages, and loss of earning capacity
22 all in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

23 28. As a direct and proximate consequence of FISHEL'S negligence, careless and
24 reckless breach of duty, it has been necessary for Plaintiff to retain the law firm of CLARK LAW
25 GROUP, PLLC, to prosecute this action, and Plaintiff is therefore entitled to recover reasonable
26 attorney's fees and costs.

27 ///

28 ///

THIRD CAUSE OF ACTION

(Negligent Entrustment as to Defendant THE FISHEL COMPANY, DOES 1 through 20, and ROES BUSINESS ENTITIES 1 through 20)

29. Plaintiff incorporates by reference each and every allegation previously made in this Complaint as if fully set forth herein.

30. These Defendants owed a duty of care to the Plaintiff not to entrust the operation of the vehicle to someone they know or had reason to know was unfit to safely perform that operation.

31. Upon information and belief, these Defendants breached that duty by entrusting the operation of the vehicle to Defendant CONCHAS, though they knew or should have known Defendant CONCHAS was unfit to safely operate the vehicle.

32. Additionally, upon information and belief, one or more of these Defendants was responsible in some manner for the vehicle's condition, maintenance, repair, and operation.

33. Upon information and belief, one or more of these Defendants owed a duty of care to Plaintiff to ensure the vehicle was properly maintained and repaired in such a condition so as to not create an unreasonable risk of harm on the public roadways during its operation.

34. Upon information and belief, one or more of these Defendants breached that duty of care by entrusting the vehicle described herein to Defendant CONCHAS while in an unsafe condition.

35. As a direct result of these Defendants' breaching their respective duties to Plaintiff, the Plaintiff was injured in the collision.

36. As a result, Plaintiff have experienced pain and suffering associated with physical injuries caused by the collision, which have required medical treatment. These general damages are in excess of \$15,000.00.

37. As a further direct and proximate result, Plaintiff have incurred expenses for medical care and treatment in an amount to be proven at trial.

1 38. Plaintiff has been forced to retain the services of an attorney to represent him in this
2 action and are, therefore, entitled to recover reasonable attorneys' fees and costs of
3 litigation.

4 **FOURTH CAUSE OF ACTION**

5 (Negligent Hiring, Training, Supervision and Retention as to Defendant THE FISHEL
6 COMPANY DOES 1 through 20, and ROES BUSINESS ENTITIES 1 through 20)

7 39. Plaintiff incorporates by reference each and every allegation previously made in this
8 Complaint as if fully set forth herein.

9 40. These Defendants owed a duty of care to Plaintiff to use reasonable care in hiring,
10 training, and supervising individuals, such as Defendant CONCHAS, to whom they would provide
11 vehicles for use upon the public roadways, to ensure these individuals were fit for the purpose for
12 which vehicles were provided.

13 41. These Defendants knew or should have known that Defendant CONCHAS was unfit to
14 safely operate a vehicle upon the public roadways without reasonable training and supervision to
15 reduce the risk of motor vehicle collisions.

16 42. These Defendants breached their duty to Plaintiff by failing to reasonably hire, train,
17 and supervise Defendant CONCHAS regarding his use and operation of the vehicle which they had
18 entrusted to operate.

19 43. These Defendants breached their duty to Plaintiff by continuing to retain Defendant
20 CONCHAS and allowing him use and operation of the vehicle which they had entrusted to him.

21 44. As a proximate result of these Defendants' breach of their duty, Defendant CONCHAS
22 caused the motor vehicle collision described herein, causing Plaintiff's injuries.

23 45. As a proximate result of the collision, Plaintiff was injured causing him pain and
24 suffering of both body and mind.
25
26
27
28

1 46. These Defendants knew or should have known that Defendant CONCHAS was unfit to
2 safely operate the vehicle upon the public roadway before offering him a position of employment.

3 47. Plaintiff reasonably sought medical care and treatment to relieve the pain and injury he
4 sustained in the motor vehicle collision, incurring the medical costs and charging incidental to such
5 treatment.

6 48. Plaintiff has been forced to retain the services of an attorney to represent him in this
7 action and is therefore entitled to a recovery of reasonable attorney's fees and costs of litigation.

8 WHEREFORE, Plaintiff ANTHONY TORRES, prays for relief against the Defendants, and
9 each of them, as follows:
10

11 **ALL CLAIMS FOR RELIEF:**

- 12 1. For past and future general damages and loss in an amount in excess of \$15,000.00;
13 2. For past and future special damages, in an amount to be determined;
14 3. For reasonable attorneys' fees, pre and post judgment interest and costs of suit;
15 4. For damages for loss of income and/or future earning capacity in an amount to be proven
16 at the time of trial;
17 5. For such other and further relief as to the Court may seem just and proper.
18

19 DATED this 24th day of November, 2020. CLARK LAW GROUP, PLLC
20


21
22 
23 C. JARED CLARK, ESQ.
24 Nevada Bar No. 13672
25 6655 W. Sahara Ave., Ste. A212
26 Las Vegas, NV 89146
27 Attorneys for Plaintiff
28

EXHIBIT B

Summons and Complaint
Served Upon Defendant
Gustavo Conchas

Electronically Issued
11/24/2020 4:09 PM

SUMM

C. JARED CLARK, ESQ.

Nevada Bar No.: 13672

CLARK LAW GROUP, PLLC

6655 W. Sahara Ave., Ste. A212

Las Vegas, NV 89146

Phone: (702) 330-3272

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Attorneys for Plaintiff

CASE NO: A-20-825393-C

Department 4

DISTRICT COURT

CLARK COUNTY, NEVADA

ANTHONY TORRES,

Plaintiff,

vs.

Case No.

Dept No.

SUMMONS

GUSTAVO CONCHAS, individually; THE
FISHEL COMPANY, an Ohio Foreign
Corporation; DOES 1 through 20, inclusive; and
ROE BUSINESS ENTITIES 1 through 20,
inclusive,

Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS. READ
THE INFORMATION BELOW.

TO THE DEFENDANT. A Civil Complaint has been filed by the plaintiff(s) against you for
the relief set forth in the Complaint.

GUSTAVO CONCHAS
235 W. Eucalyptus Street
Somerton, AZ 85350
or
(Current Address)

1. If you intend to defend this lawsuit, within 21 days after this Summons is served on you
exclusive of the date of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal
written response to the Complaint in accordance with the rules of the Court.

b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

STEVEN D. GRIERSON
CLERK OF COURT

11/24/2020

By:

Deputy Clerk

Laurie Williams

Issued at the direction of:

CLARK LAW GROUP, PLLC

/s/ Jared Clark Esq.

C. JARED CLARK, ESQ.

6655 W. Sahara Ave., Ste. A212

Las Vegas, NV 89146

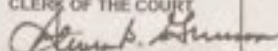
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Attorneys for Plaintiff

Electronically Filed
11/24/2020 4:08 PM
Steven D. Grierson
CLERK OF THE COURT



1 COMP
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10 Attorneys for Plaintiff

CASE NO: A-20-825393-C
Department 4

DISTRICT COURT
CLARK COUNTY, NEVADA

ANTHONY TORRES,

Plaintiff,

vs.

Case No.
Dept No.

COMPLAINT

GUSTAVO CONCHAS, individually; THE
FISHEL COMPANY, an Ohio Foreign
Corporation; DOES 1 through 20, inclusive; and
ROE BUSINESS ENTITIES 1 through 20,
inclusive,

Defendants.

COMES NOW the Plaintiff ANTHONY TORRES, by and through his counsel, C. JARED CLARK, ESQ. of the law firm of CLARK LAW GROUP, PLLC, and for his causes of action against the Defendants, and each of them, alleges as follows:

PARTIES AND JURISDICTION

1. At all times relevant hereto, Plaintiff ANTHONY TORRES, (hereinafter "TORRES"), was an individual residing in the County of Clark, State of Nevada.

2. At all times relevant hereto, and upon information and belief, Defendant GUSTAVO CONCHAS (hereinafter "CONCHAS") was, and still is, an individual residing in the County of Yuma, State of Arizona.

1 3. At all times relevant hereto, and upon information and belief, THE FISHEL
2 COMPANY, an Ohio Foreign Corporation (hereinafter "FISHEL"), was and is a corporation duly
3 organized and existing under the laws of the State of Ohio and authorized to do business in the State
4 of Nevada.

5 4. The true names and capacities of the Defendants DOES 1 through 20, inclusive, are
6 unknown to Plaintiff, who, therefore, sues said Defendants by said fictitious names. Plaintiff is
7 informed and believes and thereon alleges that each of the Defendants designated as DOES 1
8 through 20 are owners, operators or individuals maintaining, with the duty to maintain, and/or
9 within possession and control of the motor vehicles herein alleged and/or are within the flow of
10 traffic as related hereto. Plaintiff is informed and believes and thereon alleges that ROE BUSINESS
11 ENTITIES 1 through 20 are owners of the motor vehicles herein alleged and/or are some manner
12 responsible for the actions of its employees, agents and/or assigns related hereto. Plaintiff is
13 informed, believes and thereon alleges that each of the Defendants designated as DOES 1 through
14 10 are agents, employees and/or assigns of Defendants designated as ROE BUSINESS ENTITIES
15 1 through 20, and DOES 11 through 20 are immediate family members of Defendants who may be
16 liable for Defendants' negligence pursuant to NRS 41.440, which states:

17 NRS 41.440

18 Any liability imposed upon a wife, husband, son, daughter, father,
19 mother, brother, sister or other immediate member of a family arising out
20 of his or her driving and operating a motor vehicle upon a highway with
21 the permission, express or implied, of such owner is hereby imposed upon
22 the owner of the motor vehicle, and such owner shall be jointly and
23 severally liable with his or her wife, husband, son, daughter, father,
24 mother, brother, sister or other immediate family member of a family for
25 any damages proximately resulting from such negligence or willful
26 misconduct, and such negligent or willful misconduct shall be imputed to
27 the owner of the motor vehicle for all purposes of civil damages.
28

 Plaintiff is informed, believes and thereon alleges that each of the Defendants designated as
a DOE or a ROE BUSINESS ENTITY is in some manner negligently, vicariously, statutorily,
intentionally, or otherwise responsible for the events and happenings referred to, and caused

1 damages proximately to Plaintiff as herein alleged. Plaintiff will ask leave of the Court to amend
2 the Complaint to insert the true names of such Defendants when the same have been ascertained.

3 5. All of the events which are complained of herein took place in the County of Clark,
4 State of Nevada.

5 6. At all times herein mentioned, and particularly on or about November 27, 2018,
6 Plaintiff TORRES was riding his bicycle, in Clark County, Nevada.

7 7. At such time and place, and upon information and belief, Defendant CONCHAS was
8 the operator of a vehicle generally described as a 2016 Chevrolet Silverado, in Clark County, Nevada.

9 8. At such time and place, Plaintiff TORRES was riding his bicycle on the west sidewalk
10 southbound on Nellis Boulevard near the intersection with E. Charleston Boulevard in Las Vegas,
11 Nevada.

12 9. At such time and place, and upon information and belief, Defendant CONCHAS was
13 traveling in the number 3 lane of 3 southbound on Nellis Boulevard near the intersection with E.
14 Charleston Boulevard.

15 10. At such time and place, and upon information and belief, Defendant CONCHAS failed
16 to yield the right of way, failed to maintain a travel lane, and intentionally interfered with the movement
17 of a person lawfully riding a bicycle, striking TORRES' bicycle, thereby ejecting Plaintiff from his
18 bicycle.

19 11. As a direct and proximate cause of Defendants' recklessness, and each of them, Plaintiff
20 TORRES sustained severe personal injuries.

21 **FIRST CAUSE OF ACTION**

22 (Negligence; Negligence Per Se as to GUSTAVO CONCHAS, DOES 1 through 20,
23 and ROE BUSINESS ENTITIES 1 through 20)

24 12. Plaintiff repeats and realleges each and every allegation of the preceding paragraphs
25 as though set forth fully hereunder.

26 13. That at said time and place, Defendants CONCHAS, DOES 1 through 20, and ROE
27 BUSINESS ENTITIES 1 through 20, and each of them, negligently, carelessly and recklessly
28

1 operated his vehicle, violated Nevada and local statutes, traffic laws, and safety rules pertaining to
2 the safe operation of motor vehicles, which caused the collision involving Plaintiff, including his
3 injuries and damaged complained of herein.

4 14. The acts and omissions on the part of Defendants CONCHAS, DOES 1 through 20, and
5 ROE BUSINESS ENTITIES 1 through 20, and each of them, as set forth herein, were in direct violation
6 of Nevada Statutes and/or Clark County ordinances, including, but not limited to, NRS 484.324.

7 15. At all times herein mentioned, said Nevada Statutes and/or Clark County traffic
8 ordinances and safety rules were designed and enacted to protect a class of persons, in particular
9 bicyclists, to which Plaintiff belongs.

10 16. Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1
11 through 20, and each of them, are therefore negligent per se herein.

12 17. The injuries suffered by Plaintiff TORRES as a direct and proximate result of the
13 collision was and is the type that the statute was intended to protect against.

14 18. As a direct and proximate result of the aforesaid negligence and carelessness of
15 Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1 through 20, and
16 each of them, Plaintiff TORRES was injured in health, strength, and activities, and sustained shock
17 and injury to his body, nervous system and person, all of which have caused, and will continue to
18 cause him physical, mental and nervous pain and suffering, disability and loss of enjoyment of life.

19 19. As a direct and proximate result of the negligence and carelessness on the part of
20 Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1 through 20, and
21 each of them, Plaintiff sustained general and special damages to include medical expenses, possible
22 future medical expenses, loss of wages, possible future losses of wages, and loss of earning capacity
23 all in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

24 20. As a further direct and proximate result of the aforesaid negligence and carelessness
25 on the part of Defendants CONCHAS, DOES 1 through 20, and ROE BUSINESS ENTITIES 1
26 through 20, and each of them, it has been necessary for Plaintiff to retain the law firm of CLARK
27 LAW GROUP, PLLC, to prosecute this action, and Plaintiff is therefore entitled to recover reasonable
28

1 attorney's fees and costs.

2 SECOND CAUSE OF ACTION

3 (Negligence; Respondent Superior as to THE FISHEL COMPANY, DOES 1 through 20,
4 and ROE BUSINESS ENTITIES 1 through 20)

5 21. Plaintiff repleads and realleges each and every allegation of the preceding paragraphs
6 as though set forth fully hereunder.

7 22. Plaintiff is informed and believes that at the time of the subject accident, FISHEL was
8 the employer and/or had control of its agent CONCHAS.

9 23. CONCHAS was acting within the course and scope of his duties for FISHEL and on
10 behalf of FISHEL at the time of the subject collision with TORRES.

11 24. Under the doctrine of Respondent Superior, Defendant FISHEL is vicariously liable,
12 jointly and severally for the damages suffered by Plaintiff as a direct and proximate result of its
13 employees and/or agents' negligence while driving in the course and scope of his employment.

14 25. FISHEL through its employees and/or agents, owed a duty to Plaintiff to drive safely
15 and to avoid dangerous and/or reckless conduct.

16 26. FISHEL by and through its employees and/or agents, breached its duties of due care
17 by negligently, carelessly and recklessly failing to drive in a safe manner which caused damages to
18 Plaintiff.

19 27. As a direct and proximate consequence of FISHEL's negligence, careless and reckless
20 breach of duty, Plaintiff sustained general and special damages to include medical expenses, possible
21 future medical expenses, loss of wages, possible future losses of wages, and loss of earning capacity
22 all in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

23 28. As a direct and proximate consequence of FISHEL'S negligence, careless and
24 reckless breach of duty, it has been necessary for Plaintiff to retain the law firm of CLARK LAW
25 GROUP, PLLC, to prosecute this action, and Plaintiff is therefore entitled to recover reasonable
26 attorney's fees and costs.

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THIRD CAUSE OF ACTION

(Negligent Entrustment as to Defendant THE FISHEL COMPANY, DOES 1 through 20, and ROES BUSINESS ENTITIES 1 through 20)

29. Plaintiff incorporates by reference each and every allegation previously made in this Complaint as if fully set forth herein.

30. These Defendants owed a duty of care to the Plaintiff not to entrust the operation of the vehicle to someone they know or had reason to know was unfit to safely perform that operation.

31. Upon information and belief, these Defendants breached that duty by entrusting the operation of the vehicle to Defendant CONCHAS, though they knew or should have known Defendant CONCHAS was unfit to safely operate the vehicle.

32. Additionally, upon information and belief, one or more of these Defendants was responsible in some manner for the vehicle's condition, maintenance, repair, and operation.

33. Upon information and belief, one or more of these Defendants owed a duty of care to Plaintiff to ensure the vehicle was properly maintained and repaired in such a condition so as to not create an unreasonable risk of harm on the public roadways during its operation.

34. Upon information and belief, one or more of these Defendants breached that duty of care by entrusting the vehicle described herein to Defendant CONCHAS while in an unsafe condition.

35. As a direct result of these Defendants' breaching their respective duties to Plaintiff, the Plaintiff was injured in the collision.

36. As a result, Plaintiff have experienced pain and suffering associated with physical injuries caused by the collision, which have required medical treatment. These general damages are in excess of \$15,000.00.

37. As a further direct and proximate result, Plaintiff have incurred expenses for medical care and treatment in an amount to be proven at trial.

1 38. Plaintiff has been forced to retain the services of an attorney to represent him in this
2 action and are, therefore, entitled to recover reasonable attorneys' fees and costs of
3 litigation.

4 **FOURTH CAUSE OF ACTION**

5 (Negligent Hiring, Training, Supervision and Retention as to Defendant THE FISHEL
6 COMPANY DOES 1 through 20, and ROES BUSINESS ENTITIES 1 through 20)

7 39. Plaintiff incorporates by reference each and every allegation previously made in this
8 Complaint as if fully set forth herein.

9 40. These Defendants owed a duty of care to Plaintiff to use reasonable care in hiring,
10 training, and supervising individuals, such as Defendant CONCHAS, to whom they would provide
11 vehicles for use upon the public roadways, to ensure these individuals were fit for the purpose for
12 which vehicles were provided.

13 41. These Defendants knew or should have known that Defendant CONCHAS was unfit to
14 safely operate a vehicle upon the public roadways without reasonable training and supervision to
15 reduce the risk of motor vehicle collisions.

16 42. These Defendants breached their duty to Plaintiff by failing to reasonably hire, train,
17 and supervise Defendant CONCHAS regarding his use and operation of the vehicle which they had
18 entrusted to operate.

19 43. These Defendants breached their duty to Plaintiff by continuing to retain Defendant
20 CONCHAS and allowing him use and operation of the vehicle which they had entrusted to him.

21 44. As a proximate result of these Defendants' breach of their duty, Defendant CONCHAS
22 caused the motor vehicle collision described herein, causing Plaintiff's injuries.

23 45. As a proximate result of the collision, Plaintiff was injured causing him pain and
24 suffering of both body and mind.
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1 46. These Defendants knew or should have known that Defendant CONCHAS was unfit to
2 safely operate the vehicle upon the public roadway before offering him a position of employment.

3 47. Plaintiff reasonably sought medical care and treatment to relieve the pain and injury he
4 sustained in the motor vehicle collision, incurring the medical costs and charging incidental to such
5 treatment.

6 48. Plaintiff has been forced to retain the services of an attorney to represent him in this
7 action and is therefore entitled to a recovery of reasonable attorney's fees and costs of litigation.

8 WHEREFORE, Plaintiff ANTHONY TORRES, prays for relief against the Defendants, and
9 each of them, as follows:
10

11 ALL CLAIMS FOR RELIEF:

- 12 1. For past and future general damages and loss in an amount in excess of \$15,000.00;
13 2. For past and future special damages, in an amount to be determined;
14 3. For reasonable attorneys' fees, pre and post judgment interest and costs of suit;
15 4. For damages for loss of income and/or future earning capacity in an amount to be proven
16 at the time of trial;
17 5. For such other and further relief as to the Court may seem just and proper.

18
19 DATED this 24th day of November, 2020. CLARK LAW GROUP, PLLC
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22 
23 C. JARED CLARK, ESQ.
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25 6655 W. Sahara Ave., Ste. A212
26 Las Vegas, NV 89146
27 *Attorney for Plaintiff*
28